

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JAMES FARR, )  
                  )  
Plaintiff,     )  
                  )  
vs.              )       Case No. 4:05CV564 RWS  
                  )  
M & T MORTGAGE CORPORATION, )  
                  )  
Defendant.     )

**MEMORANDUM AND ORDER**

Plaintiff James Farr filed a lawsuit against Defendant M & T Mortgage in the Circuit Court of Jefferson County, Missouri. Farr is a citizen of Missouri and M & T Mortgage is a citizen of New York. Farr's suit has three counts: Count I for Quiet Title; Count II for Slander of Title; and Count III for "Trespass for Entry in Plaintiff's House." Farr seeks compensatory and punitive damages in the amount of \$100,000 and \$500,000 in Counts II and III respectively.

M & T Mortgage removed the suit to this Court based on diversity of jurisdiction under 28 U.S.C. § 1441. M & T Mortgage asserts that diversity jurisdiction attaches because the parties are citizens of different states and the amount in controversy exceeds \$75,000.

Farr has filed a motion to remand. Farr argues that if he loses his claim for quiet title he could not collect any damages under his claims for slander and trespass. Farr concludes that this possibility defeats the assertion that the amount in controversy exceeds \$75,000.

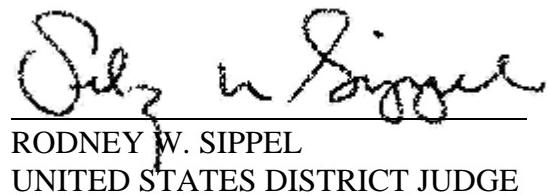
Such speculation by Farr does not constitute a basis to defeat M & T Mortgage's proper assertion of diversity jurisdiction. Any action brought in state court of which the district court of the United States would have original jurisdiction may be removed by the defendant to the district court. 28 U.S.C. § 1441. Diversity jurisdiction in the district court exists "where the matter in

controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between - -- (1) citizens of different States ...." 28 U.S.C. § 1332.

Because both prongs of diversity jurisdiction have been met in this matter, I will deny Farr's motion to remand the case.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion to remand this case to state court [#8] is **DENIED**.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 20th day of May, 2005.